



Attorney Docket No.: 13226US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

G. Ungerboeck et al.

Serial No.: 09/898,850

Filed: July 3, 2001

For: SYSTEM AND METHOD FOR
HUFFMAN SHAPING IN A DATA
COMMUNICATION SYSTEM

Examiner: Dac V. Ha

Group Art Unit: 2634

Conf. No.: 1485

CERTIFICATE OF FACSIMILE
TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, fax No. (703) 746-4000 on June 15, 2005.

By: Michael T. CruzMichael T. Cruz
Reg. No. 44,636

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper responds to the Examiner's Statement of Reasons for Allowance ("the Examiner's Statement") which is set forth in the Notice of Allowability in the above-identified application and accompanies the issue/publication fee transmittal (part B).

USPTO Available Copy

Appln. No. 09/898,850
Comments dated Jun. 15, 2005

REMARKS

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "accepting data from a source of user data; accumulating the data until a Huffman codeword is recognized; mapping the Huffman codeword into a channel symbol, the mapping generating a distribution that is approximately characterized by a sampled Gaussian distribution; and applying the channel symbol to an input of a channel at a constant rate" as set forth in independent claim 1.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "a communication node having a shaper, the shaper generating channel symbols in a constellation that exhibits a shaping gain of greater than 1 dB, wherein the shaper comprising a Huffman decoder that maps channel symbols into a distribution that is approximately a sampled Gaussian distribution, and wherein the communication node transmits channel symbols at a constant rate" as set forth in independent claim 16.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "a communication node that performs a Huffman decoding operation to generate channel symbols that are characterized approximately by a sampled Gaussian distribution, the communication node transmitting the channel symbols at a constant rate" as set forth in independent claim 20.

Applicants respectfully submit that the Examiner's Statement might imply that the dependent claims are also allowable for only the reasons set forth in the Examiner's Statement.

Appln. No. 09/898,850
Comments dated Jun. 15, 2005

However, the Examiner's Statement does not discuss any of the other elements of the claimed subject matter, in particular, those additional elements recited in the dependent claims which may render the dependent claims independently allowable in view of the specification, prosecution file history and/or the documents made of record, either alone or in combination.

Applicants respectfully submit that the Examiner's Statement presents only some of the reasons for allowance of the claims, and that other reasons also exist for allowing the claims such as, for example, those set forth more completely in or in view of the record as a whole. This interpretation is consistent with M.P.E.P. § 1302.14, which states that any statement of reasons for allowance “[i]s not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state all the reasons for allowance are set forth.” M.P.E.P. § 1302.14.

Finally, Applicants agree with the Examiner that claims 1-24 are allowable in view of all of the documents made of record, either alone or in combination. However, Applicants do not necessarily agree nor disagree with the Examiner's characterization of the documents made of record, either alone or in combination. In closing, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, should that need arise in the future.

If the Examiner has questions, or if Applicants can be of assistance, the Examiner is invited and encouraged to contact Applicants' representative at the below-listed telephone number.

Best Available Copy

FROM McANDREWS, HELD, & MALLOY

(WED) 6.15'05 14:16/ST. 14:14/NO. 4861050281 P 6

Appln. No. 09/898,850
Comments dated Jun. 15, 2005

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: June 15, 2005

Respectfully submitted,

Michael T. Cruz

Michael T. Cruz
Reg. No. 44,636
Attorney for Applicants

McAndrews, Held & Malloy, Ltd.
500 W. Madison St., 34th Floor
Chicago, IL 60661-2565
Telephone: (312) 775-8084
Facsimile: (312) 775-8100

Best Available Copy

FROM McANDREWS, HELD, & MALLOY

(WED) 6.15'05 14:14/ST. 14:14/NO. 4861050281 P 1

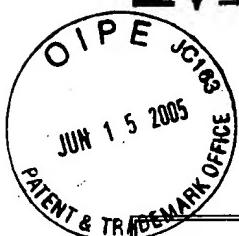


MCANDREWS, HELD & MALLOY
34TH FLOOR
500 WEST MADISON STREET
CHICAGO, ILLINOIS 60661

ARO PLEASE DELIVER RETURN RECEIPT TO
PATRICIA E. WILSON

TELEPHONE: (312) 775-8000

FACSIMILE: (312) 775-8100



Certificate of Transmission under 37 CFR 1.8

CONFIDENTIAL

THE ENCLOSED MATERIAL IS INTENDED FOR THE RECIPIENT NAMED BELOW AND, UNLESS OTHERWISE EXPRESSLY INDICATED, IS CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE ENCLOSED MATERIALS IS PROHIBITED. IF YOU RECEIVE THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AT OUR EXPENSE, AND DESTROY THE ENCLOSED MATERIALS. YOUR COOPERATION IS APPRECIATED.

TO: Mail Stop Issue Fee	FAX NO.: (703) 746-4000
FROM: Michael T. Cruz	USER ID: 8084
CLIENT: 1772	MATTER: 13226US02

Number of Pages This Transmission (Including Cover Page): 6

I hereby certify that the attached correspondence is being sent via facsimile transmission to the United States Patent and Trademark Office on June 15, 2005.

Michael T. Cruz
Michael T. Cruz
Reg. No. 44,636

1st Available Copy

If you have problems receiving this facsimile transmission,
please contact Patricia E. Wilson (Ext. 8148) at the above number.